

Writer Alert: NYU Press

June 27, 2008

Substantial portions of two poems written by Writers Union member Dr. Luzma Umpierre were reproduced without consent by Dr. Lazaro Lima in his book *The Latino Body* published by NYU Press. The poems had first been published by Dr. Umpierre in her 1987 book *The Margarita Poems*. Dr. Lima never requested permission from Dr. Umpierre and, in fact, concealed the fact that he was writing about her. It was another university press that alerted Dr. Umpierre to the use of her text in Dr. Lima's book.

The lines reproduced by Dr. Lima constitute 35 percent (39 of 111 lines) of one of Dr. Umpierre's poems and 16 percent (41 of 260 lines) of another. When NYU Press was contacted by Dr. Umpierre about the matter, it claimed fair use. Dr. Umpierre and an NWU grievance officer argued that fair use does not apply for several reasons. First, the usage is not occurring in an educational setting such as a classroom. Second, the book is published for profit. Third, the use is substantial. Fourth, the work is "fanciful" not factual. Fifth, the use of Dr. Umpierre's work in Dr. Lima's book will tend to harm the potential market for any work published by Dr. Umpierre.

NYU Press refused to discuss the matter with the grievance officer, who then took the step of posting this alert.